



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**FEB 09 2015**

*Via Certified Mail No. 7013 1090 0000 1618 4612*

Mr. Frank Encinas, President  
Semiray Special Processes  
3027 E. Washington Street  
Phoenix, AZ 85034

**RE: Notice of Violation In re: Semiray  
EPA Identification Number AZD981636129**

Dear Mr. Encinas:

On October 30, 2014, the United States Environmental Protection Agency Region 9 ("EPA") conducted a Compliance Evaluation Inspection ("CEI") at the metal plating and testing facility operated by Semiray, located in Phoenix, Arizona with EPA Identification Number **AZD981636129** to determine compliance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6921-6939e. During the inspection, EPA also evaluated compliance with the federal Clean Water Act Multi-Sector Industrial General Permit.

**Notice of Violation**

A copy of the RCRA CEI report is enclosed for your information and response. The RCRA CEI report identifies potential violations of RCRA and Arizona's RCRA authorized hazardous waste management requirements observed during EPA's investigation. In addition, the RCRA CEI report identifies other potential non-RCRA violations at the Facility. Please note that omissions in the RCRA CEI report shall not be construed as a determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, violations of RCRA hazardous waste management requirements, such as those identified in the enclosed RCRA CEI report, may be punishable by civil penalties of up to \$37,500 per day for each day such violation continues. EPA requests that you submit documentation that you have corrected each of the potential violations and areas of concern identified in the enclosed RCRA CEI report and submit documentation of any corrections to EPA within thirty (30) calendar days of your receipt of this letter. Documentation of corrective actions taken by Semiray to address the potential violations and areas of concern identified in the enclosed RCRA CEI report may consist of, among other things, photographs, manifests, and revised records.

EPA regulations governing the confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If Semiray believes the enclosed RCRA CEI report contains information entitled to treatment as confidential business information, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b) within fourteen (14) calendar days from the date of receipt of this letter. Business confidentiality includes the concept of trade secrecy and other related concepts. Your claim must specifically identify the information covered by the claim and should be sent to EPA by certified mail. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of Semiray's receipt of this letter as a waiver of that claim and information may be made available to the public by the EPA without further notice. See 40 CFR § 2.203(a)(2).

Additionally, if Semiray believes that any information in Semiray's response to this Notice of Violation is entitled to treatment as confidential business information, please identify any such information and assert a confidentiality claim in accordance with 40 CFR § 2.203(b) in Semiray's response. EPA will construe the failure to make a confidentiality claim when the response is submitted to EPA as a waiver of that claim and information may be made available to the public by the EPA without further notice.

If EPA determines that any information over which Semiray asserts a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B.

Your response and any corrective actions taken to address the violations identified in the enclosed RCRA CEI report, must be made by letter, signed by a duly authorized official, and submitted to:

Rick Sakow  
Enforcement Division, Waste and Chemical Section  
U.S. Environmental Protection Agency (ENF-2-2)  
75 Hawthorne Street  
San Francisco, CA 94105  
[Sakow.rick@epa.gov](mailto:Sakow.rick@epa.gov)

In lieu of submitting the requested responses by mail, Semiray may submit the responses as portable document files via electronic mail.

By copy of this letter, EPA is providing ADEQ with notice of the referenced violations of RCRA Subtitle C and any non-RCRA state violations.

If you have any questions regarding this letter, please contact Rick Sakow of my staff at (415) 972-3495 or [sakow.rick@epa.gov](mailto:sakow.rick@epa.gov). Legal questions may be directed to Rebecca Sugerman, Office of Regional Counsel at (415) 972-3893 or [sugerman.rebecca@epa.gov](mailto:sugerman.rebecca@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. McDaniel", with a horizontal line extending to the right.

Douglas K. McDaniel  
Chief, Waste and Chemical Section  
Enforcement Division

Cc w/out enclosure:

Randall Matas, ADEQ, Compliance Section Manager, Waste Programs Division (via email, without enclosures)

Enclosures